

**Office of Financial Institutions
CUSTODIAN OF RECORDS AND DOCUMENT PRODUCTION**

I. PURPOSE

To establish a procedure for the receipt of subpoenas, public records requests, or other requests for information provided under confidentiality agreements and the designation of a custodian of documents in order to comply with the request.

II. APPLICABILITY

All OFI Employees

III. AREAS OF RESPONSIBILITY

A. The Custodians of Records and their areas of responsibility are as follows:

1. Chief Examiner – Depository Institutions
 - a. BIDCOs
 - b. CAPCOs
 - c. Commercial Banks
 - d. Commercial Bank Holding Companies
 - e. Credit Unions
 - f. Savings and Loan Associations
 - g. Savings and Loan Holding Companies
 - h. Savings Banks
 - i. Savings Bank Holding Companies
 - j. Independent trust companies
2. Chief Examiner – Nondepository Institutions
 - a. Advance Fee Loans
 - b. Bond for Deed Escrow Agents
 - c. Check Cashers
 - d. Consumer Loan Brokers
 - e. Credit Repair
 - f. Debt Collectors
 - g. Finance Companies
 - h. Insurance Premium Finance Companies
 - i. Sale of Checks/Money Transmitters
 - j. Licensed Lenders/Payday Lenders
 - k. Residential Mortgage Lenders
 - l. Pawn Shops
3. Financial Institutions Certified Public Accountant
 - a. Limited Function Financial Institutions

4. Deputy Commissioner of Securities
 - a. Securities
- B. Agent for Service of Process
 1. Only those persons occupying the following positions are authorized to accept subpoenas:
 - a. Agent for Service of Process – General Counsel
 - b. Order of Service in the case of General Counsel's absence – Legal Division Senior Attorney
 2. The Agent for Service of Process is responsible for seeing that all subpoenas, public records requests, and other requests are properly logged in, copied and distributed to all interested parties, with a copy and or original of the request retained in the file. Written notice will be provided to the Commissioner and the Deputy Commissioner upon receipt of subpoena, public records request, or other request for information.
 3. All types of document requests are to be handled by the attorneys working in conjunction with the appropriate custodian. No records are to be produced from any field office.

IV. DISTRIBUTION OF REQUEST

- A. General Counsel is to do the following:
 1. Maintain a computer log of all requests received indicating the date of the request, the type of request, the requestor, the deadline for production, the date that records were actually produced and to maintain a file (at least temporarily in the case of subpoenas) containing the original of the request. If, in the case of subpoenas, the original must be returned to the court, a copy is to be kept on file.
 2. Provide a copy of the request to the appropriate custodian. If the request is made under a Confidential Information Sharing Agreement, the Commissioner or Deputy Commissioner must then approve the production of documents.
 3. Inform the custodian of the deadline for production of documents.

V. PRODUCTION OF DOCUMENTS

- A. The Custodian of Records, upon receipt of a subpoena, public records request, or other request is to ensure that all documents requested are produced and given to the custodian's Executive Secretary in charge of document production to be copied, inventoried, and produced in a timely manner. The custodian is to then:
 - 1. Discuss the request with the General Counsel.
 - 2. Determine whether records of any other custodian are involved; if so, provide a copy of the request to that custodian informing him/her that their efforts are to be coordinated.
 - 3. Gather the requested documents from within the Office and notify one of the Administrative Specialists in charge of archives if boxes must be requested from archives and the date by which the records are needed.
 - 4. Notify Administrative Director of the request so that student workers can be made available for copying.
 - 5. Notify the custodian's Executive Secretary of the request.
- B. One of the Administrative Specialists in charge of archives, if necessary, will then do the following:
 - 1. Request the boxes from archives.
 - 2. Have someone dispatched to retrieve the documents.
 - 3. Have boxes delivered to the custodian in a timely manner.
- C. The Custodian(s), working with an appropriate attorney, will then do the following:
 - 1. Review or have a responsible person review, the documents requested and arrange the file in order.
 - 2. Have an attorney determine which documents are deemed to be confidential.
 - 3. Arrange a meeting for review of the documents with the requestor when we receive a subpoena from a law enforcement agency. The custodian shall arrange to have a meeting room reserved for this purpose. The custodian is also responsible for seeing that an OFI employee stays in the room with the requestor when any documents are being reviewed.

4. Provide the documents to be copied to the custodian's Executive Secretary informing them of any deadlines.
- D. The custodian's Executive Secretary will do the following:
1. Have documents copied (2 sets, or an inventory record).
 2. Review the copies of the documents to determine that all originals have been reproduced.
 3. Inventory the documents to be produced.
 4. Maintain a file, including a copy of the request and either the inventory of records produced or a copy of the documents produced.
 5. Return the records produced to the custodian.
- E. The Custodian will do the following:
1. Draft a cover letter to accompany the produced documents and have the letter reviewed by the legal division.
 2. Consult with the legal division and determine the appropriate method of delivery of the documents.
 3. Notify General Counsel of the date and method of delivery.
 4. Deliver copies of the documents.

APPROVED BY:



John Ducrest, CPA
Commissioner